



INTELLECTUAL PROPERTY ISSUES

JUDY UHL
DET 1 AFRL/PK

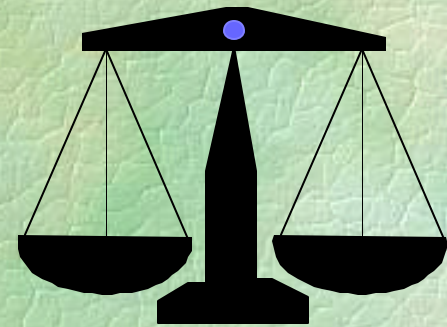
Instruments We Use

- ☞ Grants
- ☞ Cooperative Agreements
- ☞ Technology Investment Agreements (TIAs)
- ☞ Cooperative Research and Development Agreement (CRDA)
- ☞ Other Transactions (Research & Prototype)



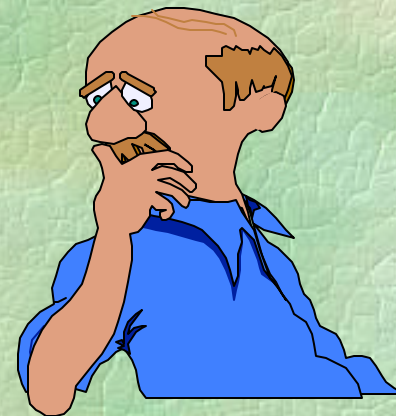
Air Force Policy on Intellectual Property Rights

IT DEPENDS!



It Depends on...

- ☛ Objectives of the Program
- ☛ Military Application of the Technology
- ☛ Commercial Application of the Technology
- ☛ Stage of Technology Development



Issues

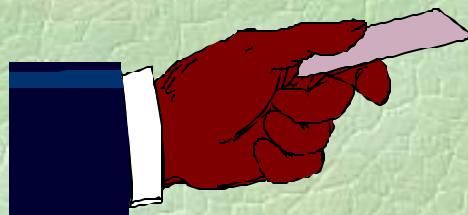
- ☞ Who gets access to what data
 - Will my proprietary data be protected?
 - Govt Rights
 - Recipient/Consortia Members Rights
- ☞ Doesn't look like what I negotiated before.
- ☞ How much reporting is required?
- ☞ Requested “authorization and consent”

Who gets access to what data

☞ Protect proprietary information

- clearly define technical data
- clearly define how data will be shared between consortia members

☞ Restrict access to consortia members and Govt personnel directly involved in program



Access (con't)

☞ Limit Deliverables

- Deliver only what is absolutely necessary
- Secure web site for access
- Presentations Vs delivery
- Limited or restricted rights to proprietary data delivered

☞ Maintain data in case of march-in

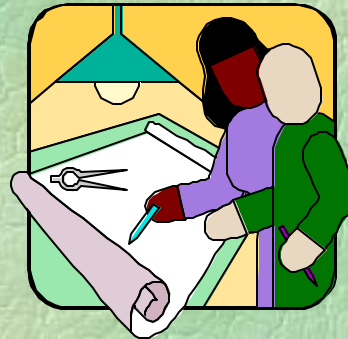
Government Rights

☞ Standard Air Force language

- Non-Cost Share Agreements
 - **Ownership of patents to recipient/consortia members**
 - **Govt Purpose Rights (GPR) in Patents and Data**
- TIAs (cost share)
 - **In consideration for Govt funding, recipient agrees to reduce to practical application**
 - **Maintain data for delivery if fail to reduce to practical application**
 - **Ownership of Patents to recipient - GPR in Patents**

Recipient/Consortia Rights

- ☞ Address flow-down
- ☞ Articles of Collaboration clearly define consortium members rights
- ☞ Encourage sharing of data between consortium members



Issues (Con't)

- ☞ Doesn't look like others negotiated
 - Each action unique
- ☞ How much reporting required
 - Limit reporting as much as possible
- ☞ Requested “authorization and consent”
 - Not appropriate for assistance

Comfort Level

- ☞ Govt will require non-disclosure agreement before release of GPR data
- ☞ Add to definitions of things such as “government purpose rights”, “technical data”, etc.
- ☞ “Cherry-picking”